



AP/2876  
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PATENT APPLICATION

ATTORNEY DOCKET NO. 10011919-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **Stuart D. Asawaka**

Confirmation No.: 3732

Application No.: 09/905,623

Examiner: **Kumiko Koyama**

Filing Date: **July 13, 2001**

Group Art Unit: 2876

Title: **PRINT FOR PAY PRINTER**

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 31, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month  
\$120

☐ 2nd Month  
\$450

☐ 3rd Month  
\$1020

☐ 4th Month  
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Signature: Matthew B. McNutt

Respectfully submitted,

Stuart D. Asawaka

By Matthew B. McNutt

Matthew B. McNutt

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Reg No. : 39,766

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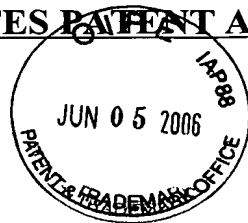
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Stuart D. Asakawa

Serial No.: 09/905,623

Filed: 7/13/2001

Title: PRINT FOR PAY PRINTER



Examiner: Kumiko Koyama

Group Art Unit: 2876

Docket No.: 10011919-1

**APPEAL BRIEF**

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- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.

June 2, 2006

Date

A handwritten signature in black ink, appearing to read "Matthew B. McNutt".

Signed by: Matthew B. McNutt

Dear Sir:

This is an appeal from the Office Action mailed on February 10, 2006, finally rejecting claims 1-20.

A Notice of Appeal in this application was mailed on March 31, 2006, and was received in the USPTO on April 4, 2006.

A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on May 5, 2005.

The fee required under 37 CFR § 41.20(b)(2) for filing an appeal brief should be charged to Deposit Account No. 08-2025.

Appellants request the opportunity for a personal appearance before the Board of Appeals to argue the issues of this appeal. The fee for the personal appearance will be timely paid upon receipt of the Examiner's Answer.

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Applicant: Stuart D. Asakawa et al.

Serial No.: 09/905,623

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**I. REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

**II. RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of other prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

**III. STATUS OF CLAIMS**

Claims 1-20 are pending. Claims 1-20 have been finally rejected and are being appealed.

**IV. STATUS OF AMENDMENTS**

No amendments have been filed after the final rejection.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

The Summary is set forth as an exemplary embodiment as the language corresponding to independent claims 1, 9 and 19. Discussions about elements of claims 1, 9 and 19 can be found at least at the cited locations in the specification and drawings.

The present invention, as claimed in independent claim 1, provides a method of operating a printer, said method comprising: providing a printer including a plurality of printer operational resources, said printer operational resources comprising core printer operational resources and enhanced printer operational resources; receiving a resource request at said printer, said resource request including a request for at least one of use and a right of use of a selected at least one enhanced printer operational resource; operating said printer according to said resource request including at least one of use of and right of use of said selected at least one enhanced printer operational resource; and initiating a payment

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transaction based on said operating step, wherein said payment transaction includes a charge calculated as a function of said enhanced printer operational resource request.

Illustrative implementations of the subject matter of claim 1 are described in the specification, e.g., at p. 4, line 1 through p. 10, line 2, and Figs. 1-7.

The present invention, as claimed in independent claim 9, provides a printing system comprising: printer control including a plurality of printer operational resources supporting operation of a printer, said plurality of printer operational resources comprising a first resource set and a second resource set; print job control receiving a request relative to at least one of said plurality of printer operational resources; and transaction control detecting said request and initiating a payment transaction for said request when said at least one of said plurality of printer operational resources is a member of said second set, wherein said payment transaction includes a charge calculated as a function of said resource request.

Illustrative implementations of the subject matter of claim 9 are described in the specification, e.g., at p. 4, line 1 through p. 10, line 2, and Figs. 1-7.

The present invention, as claimed in independent claim 19, provides a method of printer operation, said printer having core printer operational resources and enhanced printer operational resources, the method comprising the steps: requesting a print job, said print job including use of a selected enhanced printer operational resource; printing at a printer said print job including use of said selected enhanced printer operational resource; and executing a payment transaction in favor of a resource vendor as a function of said print job, wherein said payment transaction includes a charge calculated as a function of said enhanced printer operational resource request.

Illustrative implementations of the subject matter of claim 19 are described in the specification, e.g., at p. 4, line 1 through p. 10, line 2, and Figs. 1-7.

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL****VI. A. First Ground of Rejection**

Claims 1, 3, 4, 9-12, 15 and 19 stand rejected under 35 U.S.C. §102(b) as purportedly being anticipated by Robinson et al. (U.S. Patent No. 5,850,584).

**VI. B. Second Ground of Rejection**

Dependent claims 2 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Pierce (U.S. Patent No. 6,202,057).

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**VI. C. Third Ground of Rejection**

Dependent claims 5 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Maruta et al. (U.S. Patent No. 6,064,838).

**VI. D. Fourth Ground of Rejection**

Dependent claims 6 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Hayashi (U.S. Patent No. 6,375,297).

**VI. E. Fifth Ground of Rejection**

Dependent claims 7, 8, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson in view of Nocker (U.S. Patent No. 6,236,486).

**VI. F. Sixth Ground of Rejection**

Dependent claims 14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Freeman (U.S. Patent No. 6,134,557).

**VII. ARGUMENT**

**VII.A First Ground of Rejection**

Claims 1, 3, 4, 9-12, 15 and 19 stand rejected under 35 U.S.C. §102(b) as purportedly being anticipated by Robinson et al. (U.S. Patent No. 5,850,584).

Appellants assert that the rejection of claims 1, 3, 4, 9-12, 15 and 19 under 35 USC § 102(b) should be reversed based on the following.

The Office Action states in part:

Re claims 1, 9-12 and 19: Robinson teaches a printer system wherein with input from the operator by the UI 14, the image processing parameters of IPS 112 can be changed to produce different types/quality of images, which can be displayed on the UI 14 prior to printing. Using this ability to change image processing techniques, a range of image processing settings can be selected by the operator for a particular job or page (col. 6, lines 27-34). Inputting by the operator shows receiving a resource request at the printer, and the resource request including a request for at least one of use and a right to use of a selected at least one enhanced printer operational resource. Robinson further teaches that standard CMYK colorants are used, but non-standard or special colorants such as green and orange can be used to extend the printer gamut (col. 7, lines 8-10). Such teaching teaches that the printer includes operation resources comprising core printer operation resources and enhanced printer operational resources. Robinson discloses that UI 14 enables an operator to control and monitor various operator adjustable functions and maintenance activities. The operator actuates the appropriate keys on UI 14 to adjust the parameters of a print job. The output signal from UI 14 is transmitted to ESS 11. ESS 11 is programmable microprocessor system. ESS 11 conventionally controls all

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machines steps and functions including operation of document feeders, document and print sheet deflectors or gates, sheet feeder drives, downstream finishing device, etc. (col. 3, lines 30-46). Robinson further discloses that documents transmitted from workstation 4 to ESS 11 are electronically generated or retrieved, and IPS 112 receives a contone image and decomposes the contone image to a raster image (col. 3, lines 62-col. 4, lines 3). Such disclosure teaches operating the printer according to the resource request including at least one of use of and right of use of the selected at least one enhance printer operation resource. Robinson also determining the cost of materials to be consumed based on the change of the at least one image processing parameters (col. 6, lines 33-38 and col. 8, lines 22-25), which teaches initiating a payment transactions based on the operating step, wherein the payment transaction includes a charge calculated as function of enhanced printer operational resource request.

Under 35 U.S.C. §102, the cited reference must show each and every feature of the claimed invention. Extension of or speculation as to the cited teaching is permitted only when *necessarily present* in the disclosed apparatus or method. In other words, if a particular feature is not specifically disclosed it can only be relied upon under 35 U.S.C. §102 if and only if such feature is necessarily present in the disclosed apparatus or method. See, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”), and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the ... claim”).

Appellants respectfully submit that Robinson et al. fails to show each and every feature of independent claims 1, 9 and 19. As set forth above under the heading “Summary of Claimed Subject Matter,” independent claims 1 and 19 specify that the **printer operational resources comprise core printer operational resources and enhanced printer operational resources**, and that **the payment transaction includes a charge calculated as a function of said enhanced printer operational resource request**. Independent claim 9 similarly divides printer operational resources into a *first* resource set (e.g., a core resource set) and a *second* resource set (e.g., an enhanced resource set), and initiates a payment transaction when the requested printer operational resource is a member of said *second* set, wherein the payment transaction includes a charge calculated as a function of the resource request. Contrary to the characterization set forth in the Office Action, **Robinson et al. fails to distinguish between core printer operational resources and enhanced printer operational resources**, and specifically **fails to teach or suggest a charge calculated as a function of the request for the use or right of use of an “enhanced printer operational resource,”** as opposed to a

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charge for the printed product generally. Further, such limitations are not *necessarily present* in Robinson et al.

Robinson et al. teaches that the user selects an image of a desired quality, and costs are then calculated based on the amount of materials consumed for that job (col. 6, lines 34-36), the paper used for the job (col. 7, lines 47-49), and the type of finishing coating (col. 7, lines 62-67). Various methods for determining the amount of materials consumed are described (col. 6, line 42 through col. 7, line 46). **However, in Robinson et al., there is not a division or distinction between core operational resources and enhanced operational resources, and the cost is not calculated as a function of an enhanced operational resource request.** As seen by the cost curve set forth in Figure 2 of Robinson et al., costs fall along a continuous curve, **without a cost distinction between core and enhanced operational resources.** Thus, even if Robinson et al. is interpreted as having both core and enhanced operational resources (for example, black and white output vs. color output), the cost in Robinson et al. is calculated as a function of *all* operational resource requests (i.e., both core and enhanced resources), not just those resource requests utilizing what may be characterized as “enhanced” operational resources.

In the Final Office Action mailed February 10, 2006, the Examiner alleges that Appellants do not specifically claim the differences between core printer operational resources and enhanced operational resources, and further alleges that the claims do not recite what is included in each of the core printer operational resources and the enhanced printer operational resources. (Final Office Action, para. 9). However, Appellants respectfully submit that the differences between core resources and enhanced resources are clearly set out in the specification. The application describes dividing printer resources into layers to stratify price levels, and states, “A core layer 70 contains the basic printer resourced needed to print standard output, e.g., frequently used resources, *for which there is no fee.*” (Page 6, lines 29-31, emphasis added). Exemplary core resources are listed, including nominal throughput, nominal quality level, nominal ink level sensor, and nominal resolution. (Page 6, lines 31-33). The application further states, “A first layer 72 contains additional or enhanced resources relative to the core layer 70 resources.” (Page 7, lines 1-2). Exemplary enhanced resources are listed, including faster throughput, premium quality level, enhanced ink level sensor, and better resolution. (Page 7, lines 2-7). Thus, the differences between core resources and enhanced resources are clearly understood from the specification.



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The Examiner further alleges that although the cost in Robinson et al. includes standard features, the cost is still calculated as a function of enhanced printer operational resources because the cost also depends on special materials used. The Examiner further states that the claims recite that the charge is calculated as a function of enhanced printer operational resources, but do not recite that the charge eliminates the charge of core printer operational resources. (Final Office Action, para. 9). However, as noted above, the application clearly states that core resources are those frequently used resources *for which there is no fee.*" (Page 6, lines 29-31). Thus, it is clear that the charge calculation does not include charges for core resources, as by definition there is no fee for core resources.

For at least the reasons set forth above, Robinson et al. does not describe every element of independent claims 1, 9 and 19, and therefore to anticipate the subject matter of independent claims 1, 9 and 19. Based on the foregoing, Appellants submit that Robinson et al. cannot support a 35 U.S.C. 102 (b) rejection of claims 1, 9 and 19, and respectfully requests that the rejection be withdrawn.

Each of dependent claims 3, 4, 10-12 and 15 depend from one of independent claims 1 and 9, which are in allowable condition for at least the reasons set forth above. Therefore, dependent claims 3, 4, 10-12 and 15 are also in allowable condition at least by reason of their dependency from an allowable claim.

In addition, with respect to claims 12, Appellants submit Robinson et al. makes no teaching regarding the request comprising a request to remove said at least one of said plurality of printer operational resources from said second set and place said at least one of said plurality of printer operational resources in said first set. Appellants submit that **Robinson et al. cannot teach the subject matter of claim 12, as Robinson et al. does not group or distinguish printer operational resources such that reclassifying a particular resource from one group (i.e., the first set of operational resources) to another group (i.e., the second set of operational resources).** Notably, the Office Action fails to show where Robinson makes such teaching.

For at least the reasons provided above, Robinson et al. cannot support a 35 U.S.C. 102 (b) rejection of claims 3, 4, 10-12 and 15, and withdrawal of the rejection is respectfully requested.

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**VII.B Second Ground of Rejection**

Dependent claims 2 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Pierce (U.S. Patent No. 6,202,057).

Dependent claims 2 and 13 depend from independent claims 1 and 9, respectively. As set forth above, Robinson et al. fails to disclose all of the elements of independent claims 1 and 9. Appellants respectfully submit Pierce fails to remedy the deficiencies of Robinson et al., in that Pierce also fails to teach or suggest distinguishing between *core* printer operational resources (i.e., a first resource set) and *enhanced* printer operational resources (i.e., a second resource set), and further fails to teach or suggest a charge calculated as a function of the request for the use or right of use of an enhanced printer operational resource (i.e., a resource of the second set).

Based on the foregoing, Appellants submit that the combination of Robinson et al. and Pierce cannot support a 35 U.S.C. 103(a) rejection and respectfully requests that the rejection be withdrawn.

**VII.C Third Ground of Rejection**

Dependent claims 5 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Maruta et al. (U.S. Patent No. 6,064,838).

Dependent claims 5 and 16 depend from independent claims 1 and 9, respectively. As set forth above, Robinson et al. fails to disclose all of the elements of independent claims 1 and 9. Appellants respectfully submit Maruta et al. fails to remedy the deficiencies of Robinson et al., in that Maruta et al. also fails to teach or suggest distinguishing between *core* printer operational resources (i.e., a first resource set) and *enhanced* printer operational resources (i.e., a second resource set), and further fails to teach or suggest a charge calculated as a function of the request for the use or right of use of an enhanced printer operational resource (i.e., a resource of the second set).

Based on the foregoing, Appellants submit that the combination of Robinson et al. and Maruta et al. cannot support a 35 U.S.C. 103(a) rejection and respectfully requests that the rejection be withdrawn.

**VII.D Fourth Ground of Rejection**

Dependent claims 6 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Hayashi (U.S. Patent No. 6,375,297).

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Dependent claims 6 and 17 depend from independent claims 1 and 9, respectively. As set forth above, Robinson et al. fails to disclose all of the elements of independent claims 1 and 9. Appellants respectfully submit Hayashi fails to remedy the deficiencies of Robinson et al., in that Hayashi also fails to teach or suggest distinguishing between *core* printer operational resources (i.e., a first resource set) and *enhanced* printer operational resources (i.e., a second resource set), and further fails to teach or suggest a charge calculated as a function of the request for the use or right of use of an enhanced printer operational resource (i.e., a resource of the second set).

Based on the foregoing, Appellants submit that the combination of Robinson et al. and Hayashi cannot support a 35 U.S.C. 103(a) rejection and respectfully requests that the rejection be withdrawn.

**VII.E Fifth Ground of Rejection**

Dependent claims 7, 8, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson in view of Nocker (U.S. Patent No. 6,236,486).

Dependent claims 7, 8 and 18 depend from independent claims 1 and 9, respectively. As set forth above, Robinson et al. fails to disclose all of the elements of independent claims 1 and 9. Appellants respectfully submit Nocker fails to remedy the deficiencies of Robinson et al., in that Nocker also fails to teach or suggest distinguishing between *core* printer operational resources (i.e., a first resource set) and *enhanced* printer operational resources (i.e., a second resource set), and further fails to teach or suggest a charge calculated as a function of the request for the use or right of use of an enhanced printer operational resource (i.e., a resource of the second set).

Based on the foregoing, Appellants submit that the combination of Robinson et al. and Nocker cannot support a 35 U.S.C. 103(a) rejection and respectfully requests that the rejection be withdrawn.

**VII.F Sixth Ground of Rejection**

Dependent claims 14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson et al. in view of Freeman (U.S. Patent No. 6,134,557).

Dependent claims 14 and 20 depend from independent claims 9 and 19, respectively. As set forth above, Robinson et al. fails to disclose all of the elements of independent claims 9 and 19. Appellants respectfully submit Freeman fails to remedy the deficiencies of

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Robinson et al., in that Freeman also fails to teach or suggest distinguishing between *core* printer operational resources and *enhanced* printer operational resources, and further fails to teach or suggest a charge calculated as a function of the request for the use or right of use of an enhanced printer operational resource.

Based on the foregoing, Appellants submit that the combination of Robinson et al. and Freeman cannot support a 35 U.S.C. 103(a) rejection and respectfully requests that the rejection be withdrawn.

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**VIII. CONCLUSION**

For the foregoing reasons, appellants respectfully submit that the Examiner has erred in rejecting this application. Please reverse the Examiner on all counts.

Any inquiry regarding this Appeal should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (280) 396-3958, or Matthew B. McNutt at Telephone No. (612) 767-2510, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

**Hewlett-Packard Company**  
Intellectual Property Administration  
P.O. Box 272400  
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Respectfully submitted,

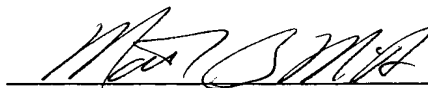
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**CLAIMS APPENDIX**

1. (Previously Presented) A method of operating a printer, said method comprising:  
  
providing a printer including a plurality of printer operational resources, said printer operational resources comprising core printer operational resources and enhanced printer operational resources;  
  
receiving a resource request at said printer, said resource request including a request for at least one of use and a right of use of a selected at least one enhanced printer operational resource;  
  
operating said printer according to said resource request including at least one of use of and right of use of said selected at least one enhanced printer operational resource; and  
  
initiating a payment transaction based on said operating step, wherein said payment transaction includes a charge calculated as a function of said enhanced printer operational resource request.
2. (Original) A method according to claim 1 wherein said printer initiates said payment transaction.
3. (Original) A method according to claim 2 wherein said printer includes a consumable element, said consumable element including a processing element initiating said payment transaction.
4. (Previously Presented) A method according to claim 1 wherein said selected at least one enhanced printer operational resource comprises enhanced output produced by said printer relative to output produced without use of said selected at least one enhanced printer operational resource.
5. (Previously Presented) A method according to claim 4 wherein said selected at least one enhanced printer operational resource comprises a selected printer resolution.
6. (Previously Presented) A method according to claim 4 wherein said selected at least one enhanced printer operational resource comprises a selected printer throughput speed.

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7. (Previously Presented) A method according to claim 1 wherein said selected at least one enhanced printer operational resource comprises access to a selected communication channel.
8. (Previously Presented) A method according to claim 7 wherein said selected communication channel comprises at least one of an infrared link and a network link.
9. (Previously Presented) A printing system comprising:
  - printer control including a plurality of printer operational resources supporting operation of a printer, said plurality of printer operational resources comprising a first resource set and a second resource set;
  - print job control receiving a request relative to at least one of said plurality of printer operational resources; and
  - transaction control detecting said request and initiating a payment transaction for said request when said at least one of said plurality of printer operational resources is a member of said second set, wherein said payment transaction includes a charge calculated as a function of said resource request.
10. (Previously Presented) A system according to claim 9 wherein said request comprises an incident of use for said at least one of said plurality of printer operational resources.
11. (Previously Presented) A system according to claim 9 wherein said request comprises a period of allowed right of access to said at least one of said plurality of printer operational resources.
12. (Previously Presented) A system according to claim 9 wherein said request comprises a request to remove said at least one of said plurality of printer operational resources from said second set and place said at least one of said plurality of printer operational resources in said first set.
13. (Original) A system according to claim 9 wherein said transaction control is located within said printer.

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14. (Original) A system according to claim 9 wherein said transaction control generates a use report for delivery to a resource vendor.

15. (Previously Presented) A system according to claim 9 wherein said at least one of said plurality of printer operational resources comprises enhanced output produced by said printer relative to output produced without use of said at least one of said plurality of printer operational resources.

16. (Previously Presented) A system according to claim 15 wherein said at least one of said plurality of printer operational resources comprises a selected printer resolution.

17. (Previously Presented) A system according to claim 15 wherein said at least one of said plurality of printer operational resources comprises a selected printer throughput speed.

18. (Previously Presented) A system according to claim 15 wherein said at least one of said plurality of printer operational resources comprises access to a selected communication channel.

19. (Previously Presented) A method of printer operation, said printer having core printer operational resources and enhanced printer operational resources, the method comprising the steps:

requesting a print job, said print job including use of a selected enhanced printer operational resource;

printing at a printer said print job including use of said selected enhanced printer operational resource; and

executing a payment transaction in favor of a resource vendor as a function of said print job, wherein said payment transaction includes a charge calculated as a function of said enhanced printer operational resource request.

20. (Previously Presented) A method according to claim 19 wherein said method further comprises reporting use of said selected enhanced printer operational resource to said resource vendor.



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21. (Canceled)

22. (Canceled)

23. (Canceled)

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**Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)**

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

**Appeal Brief**

Applicant: Stuart D. Asakawa et al.

Serial No.: 09/905,623

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**Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)**

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.